IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Misc. Application No. 4772 of 2005
In
Writ Petition No. 1218 (S/S) of 2004

Smt. Sunila Thapiyal,
Wirfe of Sri B.P. Thapliyal,
Resident of Gangotri Vihar,
Lane – 4, Adarsh Joshi Bhawan,
Nehru Gram Road, Dehradun,
District – Dehradun **…….Petitioner.**

V e r s u s .

1. State of Uttaranchal through Secretary, Secondary Education, Government of Uttaranchal, Dehradun.
2. Director of Education, Uttaranchal, Dehradun.
3. Additional Director of Education, Garhwal Mandal, Pauri.
4. Joint Director of Education, Garhwal Mandal, Pauri.
5. Vigyan Pragati Adhikari, Garhwal Mandal, Pauri.
6. District Education Officer, District – Dehradun.
7. Principal, Government Intermediate College, Patel Nagar, Dehradun, District – Dehradun.
8. Shri Ganesh Mangain, presently posted as Sr. Clerk, Government Intermediate College, Patel Nagar, Dehradun, District – Dehradun.

……..Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Pankaj Purohit, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of the respondents no. 1 to 7.

By order dated 14.10.2004 petitioner was promoted as Senior Clerk and transferred from Government Girls

Inter College, Gopeshwar, District – Chamoli to Government Intermediate College, Patel Nagar, Dehradun.

In pursuance to the aforesaid order, the petitioner approached the respondent no. 7 for joining on 19.10.2004. However, she was not permitted to join at Government Intermediate College, Patel Nager, Dehradun on the pretext that another order dated 19.10.2004 (Annexure No. 6) has been passed by Regional Joint Director of Education, Pauri Garhwal by which, petitioner was directed to join in the officer of Zila Shiksha Adhikari, Gopeshwar, Chamoli and respondent no. 8 – Ganesh Mamgain was transferred from Government Intermediate College, Maldevta, Dehradun to Government Intermediate College, Patel Nagar, Dehradun and was directed to join Government Intermediate College, Patel Nagar, Dehradun.

Aggrieved by the order dated 19.10.2004 passed by Regional Joint Director of Education, Pauri Garhwal Petitioner filed writ petition before this court and this court on 28.10.2004 stayed the operation of order dated 19.10.2004 passed by Regional Joint Director of Education, Pauri Garhwal.

In paragraph 3 of the counter affidavit, which has been filed by the respondent no. 2 to 7, it is stated that the relief sought by petitioner has been granted to her. The order dated 14.10.2004 passed by Joint Director of Education, Garhwal Mandal has been restored and the subsequent order dated 19.10.2004 has been withdrawn by the letter dated 08.11.2004.

Along with rejoinder affidavit the petitioner has filed an application with a prayer that respondent be directed to make payment of salary for the period 20.10.2004 to 03.11.2004.

Petitioner was relieved from Government Girls Intermediate College, Gopeshwar on 18.10.2004, however, due to fault on the part of respondents petitioner joins Government Intermediate College, Patel Nagar, Dehradun only on 03.11.2004. Since the relief sought by the petitioner in the writ petition has already been granted by the respondents, consequently, the writ petition has become infructuous. However, since the respondents have not made payment of the salary for the period from 20.10.2004 to 03.11.2004 to the petitioner, respondents are directed to release the salary of the petitioner for the period from 20.10.2004 to 03.11.2004 within a period of fifteen days from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 28, 2005
SKSharma